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August 30, 2023

VIA ECF

The Honorable Judge Vera M. Scanlon
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

**RE: *Fitzpatrick v. Boston Market Corporation,*
Civil Action No. 1:21-cv-05868-ENV-VMS**

Dear Judge Scanlon,

We represent Plaintiff in the above-referenced matter. We write to respectfully request that the Court reschedule the September 12, 2023 hearing in this matter (dkt. entry for 8/17/2023) to September 7, 2023 before 12:00 p.m. or, if that date is not available, to September 11 or 14, 2023. The reason for this request is that the undersigned will be out of state on September 12, 2023. Also, we understand Defendant's counsel has a conflicting in-person hearing on September 12th at 2:00 pm in another Boston Market case where it is seeking to withdraw as counsel. This is the first request to adjourn the hearing and counsel for Defendant consents to this request and has confirmed that he is available to attend in-person on September 7th or September 11th or 14th.

Finally, as with the Court's August 17, 2023 Order, we request that Defendant's counsel be ordered (1) to serve a copy of any revised order on Defendant at its last-known mailing address and also provide the date, time, and location of the hearing to an appropriate representative of Defendant, and (2) to file proof of compliance with that Order, including the address at which Defendant was served and the name and contact information of the representative of Defendant to whom the hearing information was provided.

We thank the Court for its attention to this matter.

Respectfully submitted,

JOSEPH & KIRSCHENBAUM LLP

s/ *Josef Nussbaum*

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cc: All Counsel of Record (via ECF)